

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEMICKO BILLIE THOMAS,

Plaintiff,

v.

MICHAEL P. MAGAN,

Defendant.

CASE NO. C05-762RSM-JPD

ORDER DISMISSING § 1983 ACTION

The Court, having reviewed plaintiff's amended complaint, defendant's motion for summary judgment, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant's motion for summary judgment (Dkt. #31) is GRANTED.
- (3) Plaintiff's amended complaint is DISMISSED *without* prejudice as to the claims identified in the Report and Recommendation as being barred by *Heck v. Humphrey*, 512 U.S. 4477 (1994). Plaintiff's amended complaint is DISMISSED *with* prejudice as to all remaining claims.

ORDER DISMISSING § 1983 ACTION

1 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant,
2 and to the Honorable James P. Donohue.

3 DATED this 25th day of October, 2006.

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5 RICARDO S. MARTINEZ
6 UNITED STATES DISTRICT JUDGE
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26 ORDER DISMISSING § 1983 ACTION